

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.24874 OF 2016

1. Gurunathan
2. Victor
3. Sasimala

Petitioners/Accused

Vs

State Rep. by
The Inspector of Police
Mahabalipuram Police Station,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to issue suitable direction to respondent police not to harass the petitioners in the guise of keeping petition enquiry in Crime No. not known / 2016 on the file of respondent police.

For Petitioners : Mr.Karthick
for Mr.K.S.Arumugam
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed to issue suitable direction to the respondent police not to harass the petitioners.

2. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that this petitioner is an accused in Crime No.426 of 2016 and the investigation is pending before the respondent police.

4.Under such circumstances, once a regular FIR has been registered, the question of 'not to harass' will not arise, because the expression 'harassment' is so subjective that it cannot be encapsulated in an objective criteria. If 'not to harass' order is passed in this case, where a regular FIR has

been registered, a notice by the Investigating Officer u/s 41[a] of Cr.P.C. can also be construed as an harassment. This Court has dealt with this aspect at length and passed a detailed order in the case of Dorand and Others Vs the Superintendent of Police, Nagercoil, Kanyakumari District and another in Crl.O.P. [MD] No.1727 of 2016 decided on 01.02.2016.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar(CS V)

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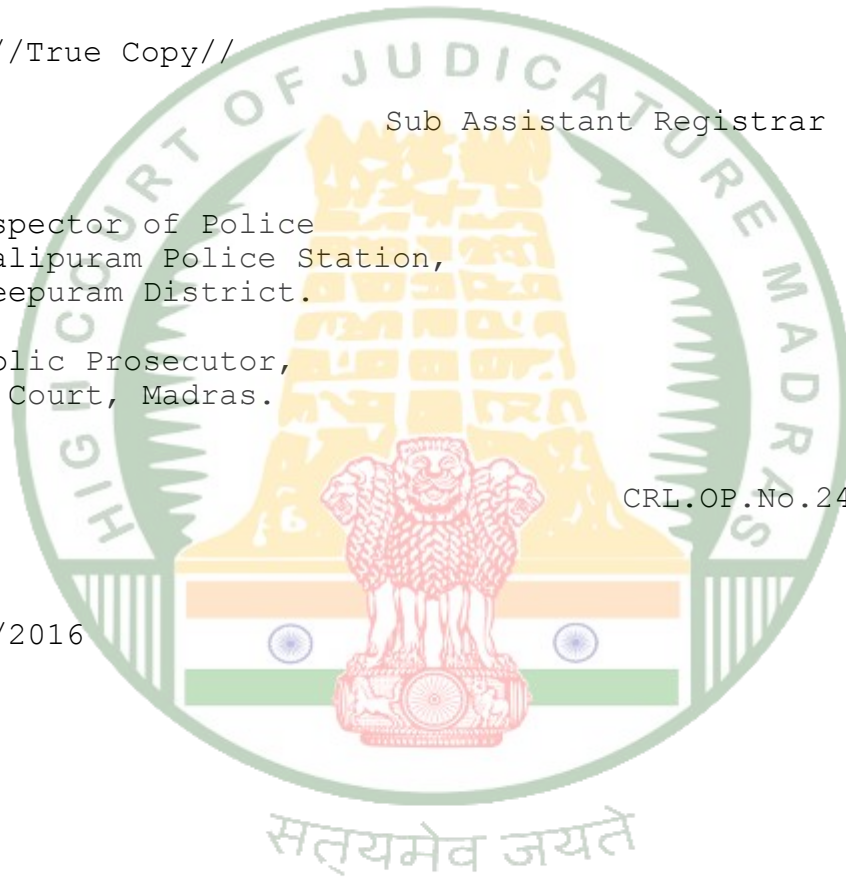
Sub Assistant Registrar

To

1. The Inspector of Police
Mahabalipuram Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.

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srg 10/12/2016



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